

Message Text

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21

ACTION EUR-12

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TO SECSTATE WASHDC 873

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DSET ALSO FOR EUR/EE

E.O. 11652: NA

TAGS: CGEN, PFOR, BU (KHRISTOV, LYUBOMIR)

SUBJECT: BULGARIAN REFUGEE CHILD

REF: STATE 7646

1. DURING CALL BY DCM AND CONSUL FEBRUARY 26 TO DISCUSS ANOTHER MATTER, ACTING CHIEF OF CONSULAR DEPARTMENT KOVACHEV BROUGHT UP CASE OF LYUBOMIR KHRISTOV. HE STATED GOB HAD INFORMATION IN FORM OF LETTERS TO MOTHER THAT KHRISTOV WISHED TO RETURN TO BULGARIA BUT WAS BEING HELD IN US AGAINST HIS WILL. KOVACHEV PROFESSED INDIGNATION THAT US AUTHORITIES WOULD DETAIN FOREIGN CITIZEN IN THIS WAY. INDEED, HE WAS UNABLE TO UNDERSTAND LEGAL BASIS UPON WHICH US COURT HAD INSERTED ITSELF IN THE MATTER. LATER, AFTER LEGAL BASIS OF COURT GUARDIANSHIP WAS EXPLAINED TO HIM, KOVACHEV SAID FACT THAT KHRISTOV IS A MINOR ONLY EMPHASIZES THAT HE SHOULD BE RETURNED TO CUSTODY OF HIS MOTHER.

2. EMBOFFS TOLD KOVACHEV US DOES NOT HOLD PERSONS AGAINST THEIR WISHES AND IF IT COULD BE DEMONSTRATED THAT KHRISTOV INDEED NOW WISHED TO RETURN TO BULGARIA OF HIS OWN FREE WILL, NEITHER STATE NOR FEDERAL AUTHORITIES WOULD INTERFERE. THERE WERE DISCREPANCIES IN INFORMATION AVAILABLE TO OUR TWO GOVERNMENTS ON THIS POINT; NEVERTHELESS, US AUTHORITIES STILL
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CONSIDER YOUNG KHRISTOV'S WISHES TO BE PRIMARY

DETERMINING FACTOR.

3. KOVACHEV STATED CASE COULD NOT BE RESOLVED AT THIS MEETING BUT MADE IT CLEAR HE WAS SPEAKING FOR GOB IN REQUESTING KHRISTOV'S RETURN BE FACILITATED. HE ADDED THAT GOB HAD INSTRUCTED ITS EMBASSY IN WASHINGTON TO REFUSE TO TRAVEL TO CALIFORNIA FOR DISCUSSIONS WITH KHRISTOV IN PRESENCE OF COURT APPOINTED GUARDIAN. THIS WAS DEMEANING TO GOB; FURTHER, IT AFFORDED GUARDIAN OPPORTUNITY TO PUT PRESSURE ON KHRISTOV TO SAY HE DID NOT WISH TO RETURN.

4. RECOMMENDATION: IN ORDER TO DEFUSE BULGARIAN ARGUMENTS THAT VISIT IN PRESENCE OF GUARDIAN COULD NOT ASCERTAIN CHILD'S TRUE WISHES, DEPARTMENT URGE CALIFORNIA AUTHORITIES THAT BULGARIAN EMBOFF BE ALLOWED TO INTERVIEW KHRISTOV PRIVATELY. INTERVIEW COULD TAKE PLACE IN COURTROOM OR IN GUARDIAN'S OFFICE. BY PROVIDING POST-VISIT COOLING OFF PERIOD, IT SEEMS TO US, ANY PRESSURE EXERTED WOULD NOT BE LASTING. IN MAKING THIS RECOMMENDATION WE HAVE IN MIND THAT WE TOO WOULD STRONGLY PROTEST HAVING A BULGARIAN OFFICIAL PRESENT UNDER SIMILAR CIRCUMSTANCES HERE.
HERZ

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